

REMARKS

The amendment to Claim 1 recites the limitations of the presently cancelled Claims 2 and 4.

Relative to the rejections under 35 U.S.C.112 second paragraph:

- (i) Applicants confirm the Examiner's interpretation of Claim 8 in that the substrate is in fact the outer layer of the laminate.
- (ii) Claim 9 is directed to a method of using the inventive laminate, the method comprising the definite, active and positive step of "producing" an article of manufacture. For the art-skilled, the term "producing" in the present context is asserted to be both meaningful and definite. If the Examiner should disagree with Applicants position, the Examiner is requested to elucidate what it is about the term "producing" that is unclear or indefinite.

The rejection of Claim 9 under 35 U.S.C. 101 for allegedly failing to set forth steps involved in the process is believed addressed by the above comment relative to the rejection of this claim under section 112.

As presently amended the inventive laminate includes a printed layer that contains a high-temperature resistant colored ink, interposed between a transparent thermoplastic polyurethane (TPU) layer, and a layer forming a substrate of a thermoplastic material. The softening temperature of the TPU is 140 to 180°C, its Shore A hardness is 50 to 95, and its thickness is at least 0.025 mm.

Claims 1-4, 6-9 stand rejected under 35 U.S.C. 102(b) said to be anticipated by U.S. Patent 5,733,651 to Wank et al. (Wank)

The standard for anticipation is one of strict identity. To anticipate a claim for a patent, a single prior art document must contain all the essential elements of the claimed invention. In Re Donohue 226 USPQ 619.

In view of the present amendment that requires the TPU to feature the recited properties, Wank that does not describe these properties is believed avoided as an anticipatory reference.

Retraction of the rejection is solicited.

Claim 5 stands rejected under 35 U.S.C. 103 (a) said to be unpatentable over Wank in view of U.S. Patent 4,865,913 to Takeuchi (Takeuchi).

The embodiment at issue concerns the inventive laminate further containing an intermediate layer of thermoplastic material interposed between the substrate and the printed layer; the intermediate layer being of a material that is different from the material of the substrate.

Wank's shortcoming in the present context has been discussed above. Takeuchi disclosed a thermal transfer ink sheet used for a thermal printer or a typewriter. It contains a sheet-like base, a hot melt ink layer stacked on the base with an adhesive layer disposed therebetween and an ink-holding porous membrane layer filled with hot melt ink and stacked on the ink layer. The ink sheet is used to transfer ink to a recording sheet by thermal and mechanical stresses. It is not at all seen how or why the cited reference that relate to divergent technical fields may be combined at all much less in a manner describing the claimed embodiment.

The rejection under section 103 is requested to be reconsidered in light of the above and withdrawn.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

By \_\_\_\_\_

  
Aron Preis  
Attorney for Applicants  
Reg. No. 29,426

Bayer Polymers LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3814  
FACSIMILE PHONE NUMBER:  
(412) 777-3902

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